

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD J. TRUMP FOR PRESIDENT, INC.; <i>et al.</i> ,)	CIVIL ACTION
)	
)	
Plaintiffs,)	
)	
v.)	No. 2:20-cv-966-RN
)	
KATHY BOOCKVAR; <i>et al.</i> ,)	
)	
Defendants.)	

DECLARATION OF JAMES J. FITZPATRICK

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF PHILADELPHIA)

James J. Fitzpatrick, who have been first duly sworn, deposes and states as follows:

1. I am an adult individual over the age of eighteen (18).
2. I reside in Philadelphia, Philadelphia County, Pennsylvania.
3. I have personal knowledge of the events and facts described in this Declaration.
4. I have been employed as the Pennsylvania Director for Election Day Operations by Donald J. Trump for President, Inc., also known as the Trump Campaign, since May 2020.
5. As the Pennsylvania EDO for the Trump Campaign, my chief responsibility is to ensure that every voter in Pennsylvania who is legally entitled to vote is able to vote once.
6. The Trump Campaign wants a Pennsylvania voting system that is secure and uniformly administered.
7. Due to my involvement in other political campaigns in Pennsylvania in previous election cycles, in addition to Trump Campaign in the present election cycle, I am familiar with

election laws and procedures in Pennsylvania and how those laws and procedures are administered by the Pennsylvania Secretary of State and the County Boards of Elections.

8. Pennsylvania's Secretary of State and the County Boards of Elections do not securely and uniformly administer or enforce the Election Code through: (1) the deployment of unguarded drop boxes for voted ballots; (2) uneven county-to-county implementation of drop boxes; (3) uneven county-to-county implementation of mobile ballot collection centers; (4) and uneven signature verification requirements for voters who cast their ballots by mail as compared to those who cast their ballots in person.

9. Some Pennsylvania counties employ unguarded drop boxes to collect mail-in ballots, and unguarded drop boxes raise a number of security concerns.

10. Unguarded drop boxes enable unlawful third-party ballot delivery because no one confirms the deliverer is depositing their own voted ballot and not the ballot of any other person.

11. I have seen photographs of people depositing more than one ballot into drop boxes in Philadelphia County and Montgomery County, and a video of an individual depositing multiple ballots into a drop box in Elk County.

12. Unguarded drop boxes also may serve as a target for bad actors that may wish to tamper with lawfully cast ballots before such ballots are counted.

13. Even if an unguarded drop box employs video monitoring, the counties do not track ballots in such a way that ensures the voters who dropped their ballots within the drop box do not have their votes disenfranchised.

14. For instance, if a drop box were stolen or destroyed, the county might be able to prosecute the perpetrator through video monitoring, but I am unaware of any way in which the

county would be able to advise voters who had lawfully returned their ballots to the drop box that their ballots were stolen or destroyed.

15. At least one County Board of Elections Director informed the Secretary of State that he has concerns regarding the security of unguarded drop boxes.

16. Counties may employ the use of drop boxes for voted ballot collection, but are not required to make the option available to voters within their jurisdiction.

17. Some counties do not use drop boxes at all.

18. In those counties that do implement drop boxes, the hours of operation for the drop boxes may differ from county to county. Some offer access 24 hours a day, while others are accessible only during business hours.

19. I am also aware that the City of Philadelphia collaborated with a group known as the Committee of 70 to collect mail-in ballots via a mobile center that Committee of 70 called the "Voteswagon." The Republican National Committee sent representatives to a number of the locations where the Committee of 70 had advertised its ballot collection activities would take place. Staff for both the Committee of 70 and staff of the City Commissioner's office were present during the collections observed by Republican National Committee staff members.

20. Moreover, Pennsylvania's requirement that poll watchers be residents of the county in which they perform poll watching duties prevents the Trump Campaign from effectively watching election day activities due to a shortage of poll watchers.

21. For instance, in the state senate primary election in the 25th Senatorial District, which encompasses Lycoming, McKean, Tioga, Potter, and various other rural counties, we had the need for poll watchers in that district. The Trump Campaign identified poll watchers from

other counties who were willing to perform the poll watcher function in those counties, but they were not permitted to do so due to the residency requirement.

22. Also, there are several Pennsylvania counties where a party, such as the Republican party or a third party, has significantly fewer voters affiliated with it than other parties do, making it difficult for the party with fewer affiliated voters to recruit poll watchers in those counties.

23. For instance, in Philadelphia, there are 66 wards, and in every single ward Democrats outnumber Republicans by about eight to one or more.

24. The Trump Campaign employs a number of tactics to recruit poll watchers throughout Pennsylvania, including recruiting volunteers in counties whose job it would be to then help us recruit poll watchers, a website at DefendYourBallot.com, recruitment emails to people who engage on DefendYourBallot.com, calls to county chairmen and conservative activists.

25. The Trump Campaign is concerned that due to the residency restriction, it will not have enough poll watchers in certain counties.

26. Poll watchers help keep the election system honest and ensure a secure election.

27. Without full poll watcher coverage, candidates, election's integrity is process in those precincts or counties that are unwatched.

28. Poll watchers have also been restricted in their access to election day activities, at times when their access should not have been restricted.

29. For instance, in Philadelphia poll watchers were denied access to seven offices where "early in-person mail voting" was taking place on September 29th 2020. These are centers where voters can register to vote, fill out a mail in ballot application, be given a mail in ballot on


the spot, and vote the mail in ballot all in one transaction. In one instance I was told by Deputy Philadelphia City Commissioner Nick Custodio that City Hall was not a “public place” and that Trump poll watchers had no right to be inside Philadelphia City Hall or any other location to observe.

30. The Trump Campaign wants to place poll watchers at any place where ballots are being returned to a county board of elections office or extension.

DECLARANT SAYETH NOTHING FURTHER

Pursuant to 28 U.S.C. § 1476, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 1st, 2020.


James J. Fitzpatrick